

## Exhibit C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MINERVA INDUSTRIES, INC.

vs.

MOTOROLA, INC., ET AL.

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CASE NO. 2:07-CV-229-CE

**ORDER**

Pending before the court is the defendants' motion to limit the number of asserted patent claims (Dkt. No. 231). For the reasons discussed below, the court grants the motion.

The plaintiff, Minerva Industries, Inc. ("Minerva") accuses the defendants of infringing U.S. Patent Nos. 6,681,120 ("the '120 patent") and 7,321,783 ("the '783 patent"). The '120 patent contains 35 claims, and the '783 patent contains 125 claims. The claims of the '120 and '783 patents are directed to multi-media devices that contain various combinations and permutations of these features.

In its infringement contentions, Minerva asserts 125 patent claims against the defendants—27 from the '120 patent and 98 from the '783 patent. Many of the independent claims of the asserted patents disclose numerous elements that are claimed in the alternative. Furthermore, many of the dependent claims of the asserted patents are written in multiple-dependent form. For these reasons, the 125 asserted claims effectively increases to over 275 claims.

Minerva opposes the motion at this time. Minerva asserts that to limit the claims at this time would abridge its intellectual property rights. Minerva concedes, however, that after a full opportunity to participate in discovery, it will ultimately limit its asserted claims. Minerva

alternatively suggests that the court defer limiting claims until the parties exchange lists of proposed terms to be construed.

The court will conduct a claim construction hearing in this case on January 6, 2010, and the deadline for discovery concerning claims construction issues was July 1, 2009. At this state of the litigation and in light of the deadlines in this case, the court orders Minerva to limit its asserted claims to 40 across both patents. *See Negotiated Data Solutions, LLC v. Dell, Inc.*, No. 2:06-CV-528 (E.D. Tex. July 30, 2008). This limitation is a total across both the '120 and '783 patents and does not limit a number per patent.

SIGNED this 30th day of July, 2009.

  
CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE